

1 SEYFARTH SHAW LLP
2 Lawrence E. Butler (SBN 111043)
3 Robin M. Cleary (SBN 192489)
4 560 Mission Street, Suite 3100
5 San Francisco, California 94105
6 Telephone: (415) 397-2823
7 Facsimile: (415) 397-8549
8 Email: lbutler@seyfARTH.com; rCLEARY@seyfARTH.com

9
10 Attorneys for Plaintiff and Cross-Defendant
11 METROPOLITAN LIFE INSURANCE COMPANY

12 Rod Moore (SBN: 083749)
13 The Grace Building
14 17 Keller Street
15 Petaluma, California 94952
16 Telephone: (707) 763-8325
17 Email: rodmoorelaw@yahoo.com

18 Michael Dietrick (SBN: 092150)
19 Courthouse Square
20 1000 Fourth Street, Suite 695
21 San Rafael, California 95402
22 Telephone: (415) 459-5122
23 Email: dietrick@pacbell.net

24 Attorneys for Defendant and Cross-Defendant
25 LEELA G. CHISHAM

26 DU CHARME & COHEN
27 James A. Du Charme (SBN: 61002)
28 450 Taraval Street, P.M.B. 317
29 San Francisco, California 94116-2530
30 Telephone: (415) 495-4171
31 Email: jducharme@pacbell.net

32 Attorneys for Defendant and Cross-Plaintiff
33 ALICE A. GREENWAY

34 UNITED STATES DISTRICT COURT

35 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

36 METROPOLITAN LIFE INSURANCE) Case No. C 05-01434 MEJ
37 COMPANY, a New York corporation,)
38 Plaintiff,) **STIPULATION OF DISMISSAL OF**
39 v.) **INTERPLEADER COMPLAINT AND**
40 LEELA G. CHISHAM, an individual, and) **RELATED ACTIONS WITH**
41 ALICE A. GREENWAY, an individual) **PREJUDICE AND [PROPOSED]**
42) **ORDER**
43)
44) ORDER CLOSING FILE

Defendants.)

AND RELATED CROSS-COMPLAINTS)
))

Plaintiff and Cross-Defendant Metropolitan Life Insurance Company (“MetLife”), Defendant and Cross-Defendant Leela G. Chisham (“Chisham”), and Defendant and Cross-Plaintiff Alice A. Greenway (“Greenway”) have reached a resolution of this matter and Chisham and Greenway have agreed as to how the disputed life insurance benefits at issue should be distributed. The parties agree to dismiss this action in its entirety with prejudice, including any related cross, counter and third party complaints, pursuant to Fed.R.Civ.P. 41(a). Each party shall bear its own fees and costs.

The parties seek the Court's approval of dismissal of this action and any related actions with prejudice through the order listed *infra*. The parties also request that the Court disburse the funds deposited with the Court on April 8, 2005, in the amount of Two Hundred Twenty-Six Thousand Four Hundred Seventy-Three Dollars and Forty-Two Cents (\$226,473.42), plus interest, if any, in accordance with the terms agreed to by the parties and as set forth in the order. A copy of the receipt evidencing the funds deposited with the Court is attached hereto as Exhibit 1.

DATED: October 3, 2005

SEYFARTH SHAW LLP

By 

Lawrence E. Butler
Robin M. Cleary
Attorneys for Plaintiff and Cross-Defendant
METROPOLITAN LIFE INSURANCE
COMPANY

1 DATED: September 27, 2005

ROD MOORE

2 By Rod Moore

3 Rod Moore
4 Attorney For Defendant And Cross-
Defendant
5 LEELA G. CHISHAM

6 DATED: September 29, 2005

DU CHARME & COHEN

7 BY J. A. DuCharme

8 James A. Du Charme
9 Attorney For Defendant And Cross-Plaintiff
ALICE A. GREENWAY

10 **ORDER**

11 Pursuant to the stipulation by the parties, IT IS SO ORDERED that:

- 12 1. The complaint in interpleader be dismissed with prejudice;
- 13 2. All related cross, counter and third party complaints be dismissed with prejudice;
- 14 3. Defendants to receive their share of the disputed funds as follows:
 - 15 a. Alice A Greenway to receive Forty-Five Thousand Dollars (\$45,000.00) made payable to the DuCharme & Cohen Attorney Client Trust; and
 - 16 b. Leela G. Chisham to receive the remainder of the funds and interest deposited, totaling One Hundred Eighty-One Thousand Four Hundred Seventy-Three Dollars and Forty-Two Cents (\$181,473.42), made payable jointly to Leela G. Chisham and her attorney, Rod Moore. Interest, if any, from the account in which the Interpleader funds were deposited with the Court on or around April 8, 2005, shall also be paid to Leela G. Chisham and her attorney.
- 17 4. All parties are to bear their own fees and costs.

18 **IT IS SO ORDERED.**

19 The Clerk of Court shall close the file

20 DATED: October 4, 2005

21 SFI 28220035.1

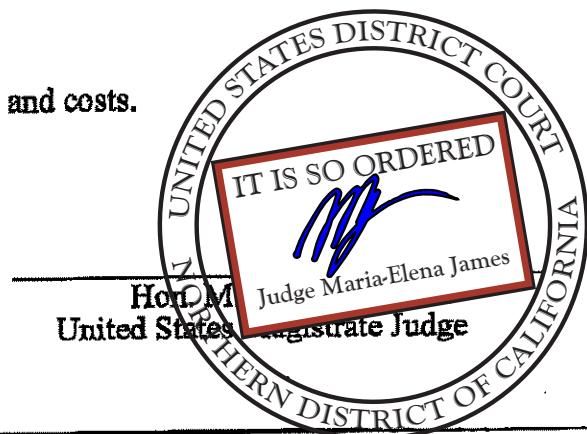


EXHIBIT 1

(1 PAGE TO FOLLOW)

HR

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the

NORTHERN DISTRICT OF
CALIFORNIA

SAN FRANCISCO, CA

3371118

RECEIVED FROM:
MET-LIFE
POB 3016
UTICA, NY 135043016

Case Number:
3:05CV01434-MEJ

F/U/B/O:

Party ID:

Tender Type: CHECK
05-604700 \$226,473.42

Registry Funds

Remarks:1413234

Subtotal: \$226,473.42

Receipt Total: \$226,473.42

* Checks and drafts are accepted
subject to collections and full
credit will only be given when
the check or draft has been
accepted by the financial
institution on which it was drawn.

Date: 4/8/05
Clerk: *[Signature]*